

Notice of Allowability

Application No.

10/669,432

Examiner

Jeffrey G. Hoekstra

Applicant(s)

BLONDEAU, JEROME

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the RCE filed 08/23/2006.
2. ☒ The allowed claim(s) is/are 1,3,4 and 6-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/23/2006 has been entered.

Notice of Amendment

2. In response to the amendment filed on 08/23/2006, amended claim(s) 1, 3 and 8, and canceled claim(s) 2, 5, and 14 is/are acknowledged. The current rejections of the claim(s) 1-14 is/are *withdrawn*.

Examiner's Amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jim Ledbetterer on 09/27/06.

The application has been amended as follows:

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Claim 6 should read:

The device as claimed in claim 1, wherein said control button is mounted so as to slide longitudinally --relative to said housing-- through an oblong opening of said housing, and wherein a spring arranged longitudinally --relative to said housing-- connects said housing to said button in order to return the latter spontaneously to its initial position, against the corresponding front edge of said opening.

Claim 7 should read:

The device as claimed in claim 1, wherein said blocking device comprises at least one bracket with --an-- elastically deformable hook issuing from each slide, and a corresponding fixed limit stop which is provided inside said housing and on which the hooked bracket of the corresponding slide engages when said slide arrives at the rearward position.

Allowable Subject Matter

4. Claims 1, 3, 4, and 6-13 are allowed.
5. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or fairly suggest the apparatus as recited in claims 1, 3, 4, and 6-13 of the instant invention comprising, *inter alia* a device for taking samples from a body, said device comprising:
 - a needle whose distal end forms a recess able to receive said sample;
 - a cannula coaxially surrounding said needle, said needle and cannula being able to slide relative to one another;

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- a first slide and a second slide connected respectively to said needle and cannula;
- a first spring and a second spring connected respectively to said first and second slides;
- a grippable housing of elongate shape, defining an inner seat inside which are arranged in series, on a longitudinal axis of said housing, said slides which are able to slide between a forward position in the housing, for which said needle and cannula are in a rest position and ready to be primed for taking a sample, and a rearward position for which said needle and cannula are in a primed, retracted position ready for said sampling;
- a control button for bringing said slides to the rearward position counter to said respective springs;
- a blocking device that blocks said slides in the rearward position; and
- a trigger mechanism for canceling said blocking device and, under the action of said springs, causing the forward displacement of said slides and firing of said needle and cannula, said trigger mechanism comprising, on said housing, a front tumbler and a rear tumbler, wherein:
- said first and second slides comprise limit stops which are transversely offset with respect to one another, and said control button comprises a lug which can be moved transversely under the action of a displacement device and acts sequentially on said offset limit stops in order to bring said slides one after the other to the rearward position to provide sequential charging of the needle and cannula,

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- said displacement device comprises a spring arranged transverse between said button and said lug and permitting the latter to pass from a retracted position, for which one of said slides is displaced to the rearward position via its limit stop, to a deployed position for which the other of said slides is displaced to the rearward position via its offset limit stop, and an inclined ramp which is provided inside said housing and which returns said lug from its deployed position to its retracted position, upon return of said button to the initial position,
- said second slide with cannula and its spring are situated at the front of said housing and are brought first to the rearward, primed position via said lug, while said first slide with needle and its spring are situated coaxially at the front of said housing and are displaced secondly to the rearward, primed position, the displacement of said slides and springs being limited by brackets fixed to said housing, and
- both the charged needle and cannula are automatically fired upon the actuation of either one of the front and rear tumblers.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments, see pages 8-11, filed 08/23/2006, with respect to claims 1-14 have been fully considered and are persuasive. The rejection of claims 1-14 has been withdrawn.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571) 272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571) 272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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